

COUNCIL OF THE COUNTY OF MAUI
PARKS, RECREATION, ENERGY, AND
LEGAL AFFAIRS COMMITTEE

March 10, 2017

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Parks, Recreation, Energy, and Legal Affairs Committee, having met on February 14, 2017, makes reference to County Communication 17-6, from Council Chair Mike White, relating to litigation matters.

By correspondence dated February 7, 2017, the Department of the Corporation Counsel requested consideration of the possible settlement of a Charge of Discrimination Filed with the Hawaii Civil Rights Commission (HCRC) and Equal Employment Opportunity Commission (EEOC) on August 4, 2016; FEPA M-19303; EEOC 37B-2016-00303. Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF A CHARGE OF DISCRIMINATION FILED WITH THE HAWAII CIVIL RIGHTS COMMISSION (HCRC) AND THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) ON AUGUST 4, 2016; FEPA NO. M-19303; EEOC NO. 37B-2016-00303." The purpose of the proposed resolution is to authorize the Department to settle the case.

Your Committee notes Section 3.16.020(B), Maui County Code, requires Council authorization for any settlement of claims or civil litigation in excess of the authority granted by that provision.

A Deputy Corporation Counsel provided a brief overview of the case. She said the complainant was a Police Officer with the Department of Police. The complainant alleges discrimination by the County based on her pregnancy. The Deputy said the proposed settlement was reached as a result of mediation between the parties.

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Because the case involves ongoing litigation and confidential information, the Deputy requested the opportunity to convene an executive meeting.

Your Committee voted to convene an executive meeting, closed to the public, to consult with legal counsel pursuant to Section 92-5(a)(4), Hawaii Revised Statutes; and to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order, pursuant to Section 92-5(a)(8), Hawaii Revised Statutes.

Following the executive meeting, your Committee reconvened in regular session. Based on the information received and the recommendation of the Department, your Committee voted 7-1 to recommend adoption of the proposed resolution to authorize settlement of the case under the terms discussed in the executive meeting. Committee Chair Guzman, Vice-Chair King, and members Atay, Carroll, Cochran, Sugimura, and White voted "aye." Committee member Hokama voted "no." Committee member Crivello was excused.

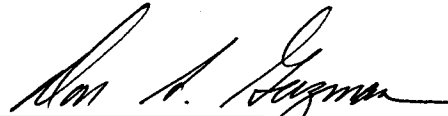
Your Parks, Recreation, Energy, and Legal Affairs Committee RECOMMENDS that Resolution _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF A CHARGE OF DISCRIMINATION FILED WITH THE HAWAII CIVIL RIGHTS COMMISSION (HCRC) AND THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) ON AUGUST 4, 2016; FEPA NO. M-19303; EEOC NO. 37B-2016-00303," be ADOPTED.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



DON S. GUZMAN, Chair

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Resolution

No. _____

AUTHORIZING SETTLEMENT OF A CHARGE OF DISCRIMINATION FILED WITH THE HAWAII CIVIL RIGHTS COMMISSION (HCRC) AND THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) ON AUGUST 4, 2016; FEPA NO. M-19303; EEOC NO. 37B-2016-00303

WHEREAS, a Charge of Discrimination was filed against the County of Maui on or about August 4, 2016, with the Hawaii Civil Rights Commission (HCRC) and the Equal Employment Opportunity Commission (EEOC), designated as FEPA No. M-19303; EEOC No. 37B-2016-00303; and

WHEREAS, having reviewed the facts and circumstances regarding this matter and being advised of the proposed settlement by the Department of the Corporation Counsel, the Council wishes to authorize the settlement of the grievance under the terms and conditions proposed in an executive meeting before the Parks, Recreation, Energy, and Legal Affairs Committee; now therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby approves settlement of this case under the terms set forth in an executive meeting before the Parks, Recreation, Energy, and Legal Affairs Committee; and
2. That it hereby authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County in this case, under such terms

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and conditions as may be imposed, and agreed to, by the Corporation Counsel;
and

3. That it hereby authorizes the Director of Finance to satisfy the settlement of this case, under such terms and conditions as may be imposed, and agreed to, by the Corporation Counsel; and

4. That certified copies of this resolution be transmitted to the Mayor, the Director of Finance, the Chief of Police, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY:



CHRISTIE M. TRENHOLME
Deputy Corporation Counsel
County of Maui